

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

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2015 APR -8 A 10: 26

Lavadre Dashun Butler,)	
)	
Plaintiff,)	Civil Action No. 4:14-2276
)	
vs.)	
)	
Officer (Mr.) Durant,)	ORDER
)	
_____)	

Plaintiff, an inmate, has asserted *pro se* claims of alleged violation of his Eighth Amendment rights arising from the Defendant's alleged failure to protect him from a known risk of violence against him by other inmates. The Court this day has adopted the Report and Recommendation of the Magistrate Judge, which recommended the denial of summary judgment to the Defendant on the basis of a material dispute of fact concerning Plaintiff's claims.

In reviewing Plaintiff's claims, it appears to the Court that this *pro se* litigant has colorable claims but lacks the capacity to properly present such claims. *Zuniga v. Effler*, 2012 WL 2354464 (4th Cir. 2012). In such a circumstance, the Court has the discretion to appoint counsel for the *pro se* litigant if the party is unable to afford counsel. 28 U.S.C. § 1915(e). The Court finds that appointment of counsel is proper under these circumstances and appoints Christopher P. Kenney of the Richland County Bar as counsel for Plaintiff.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. M. Gergel', written over a horizontal line.

Richard Mark Gergel
United States District Court

April 8, 2015
Charleston, South Carolina